

RESTRICTION REQUIREMENT

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, 22-50, 28 and 59 drawn to a method for providing bond or guaranty coverage, classified in class 705, subclass 39.
- II. Claims 16-21, 51-57, and 60-82 drawn to a method for conducting Internet auction, classified in class 705, subclass 37.

In an attempt to justify the requirement for restriction, the Examiner has taken the position that:

Inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d). In the instant case, invention has separate utility such as:

Inventions I and II have separate utility such as: the invention I drawn to a method for providing bond or guaranty coverage, in contrast, the invention II drawn to a method and system for conducting Internet auction. Therefore, the invention I and II are shown to be separately usable.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Election

In order to be responsive to the requirement for restriction, Applicants elect Group II, i.e., claims 16-21, 51-57 and 60-82, with traverse.

For the reasons set forth below, Applicants submit that the restriction requirement is improper, and should be withdrawn, whereby an action on the merits of all of the pending claims is warranted.

Traverse

Notwithstanding the election of the claims of Group II, i.e., claims 16-21, 51-57 and 60-82, in order to be responsive to the requirement for restriction, Applicants respectfully traverse the requirement.

Initially, it is pointed out that the requirement for restriction omits one of the two criteria of a proper requirement as now established by U.S. Patent and Trademark Office policy, as set forth in MPEP 803, i.e., that "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if a restriction were not required. Due to the aforementioned omission, it is respectfully submitted that the requirement for restriction is improper and, consequently, its withdrawal is respectfully requested.

Related to this, the requirement is traversed since there would not appear to be a serious burden to examine Applicants' application in total, and for which they have paid the appropriate claim fees. Applicants submit that it would be no serious burden on the Examiner to examine all of the pending claims, because a search for all of the claims in the

above-identified application, should be made in order to do a complete and thorough search in view of the recognized relationship for examination purposes between the claims in Groups I and II.

Applicants point out that the Examiner supports the requirement for restriction based upon their different classification. Specifically, as discussed above, the requirement contends that Group I is classified in subclass 39 of Class 705 whereas Group II is classified in subclass 37 of the same Class 705. There is no indication in the requirement that the search for Group I would not coextensive with the search of Group II, or that a search of Group II would not require a search of subclass 39 of Class 705.

Still further, the requirement does not indicate how the two groups of claims are considered to be subcombinations. Accordingly, if the requirement is maintained, the Examiner is respectfully requested to provide further supporting evidence for maintaining the restriction, especially when the requirement does not provide support for a serious burden for examining the two groups of invention.

Because a search of each of the inventions would appear to be at least related, and should certainly overlap if not actually be coextensive, there would be no serious burden on the Examiner to examine all of the claims in this application. For this reason, and consistent with Office policy set forth in MPEP 803, Applicants respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

CONCLUSION

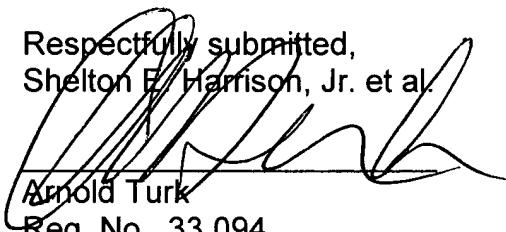
For the reasons discussed above, it is respectfully submitted that the Examiner's requirement for restriction is improper and should be withdrawn.

Withdrawal of the requirement for the restriction with the examination of all claims pending in this application is respectfully requested.

Favorable consideration with early allowance of the pending claims is most earnestly requested.

If the Examiner has any questions, or wishes to discuss this matter, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
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